

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

N.W., By and Through His Next Friend
and Father RICHARD WATSON,

Plaintiffs,

vs.

Case No.:

MERCY HOSPITALS
EAST COMMUNITIES,

Serve : Registered Agent
Jeanne Cantalin
14528 S. Outer 40 Road, Suite 100
Chesterfield, Missouri 63017

And

MERCY CLINIC CHILDREN'S
HOSPITALISTS - ST. LOUIS, LLC

Serve: Registered Agent
Jeanne Cantalin
14528 S. Outer 40 Road, Suite 100
Chesterfield, Missouri 63017

And

DONALD A. REINKE, M.D.,

Serve at: 615 S. New Ballas Road,
St. Louis, Missouri 63141

Defendants.

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, N.W., by and through his Next Friend and Father, Richard Watson, by counsel, Thomas Q. Keefe, Jr. P.C. and Sauter Sullivan, LLC, and for Plaintiff's Complaint, states as follows:

COMMON FACTUAL ALLEGATIONS

1. Plaintiff, N.W., is a minor, born April 4, 1996, and brings this action by and through his Father and Next Friend, Richard Watson.
2. Richard Watson is an individual and a resident and citizen of the State of Illinois.
3. This is a medical negligence action brought pursuant to Missouri law.
4. Defendant, Mercy Hospitals East Communities (“Mercy Hospital”), is a Missouri not-for-profit corporation in good standing, which may sue or be sued in its own name.
5. Defendant Mercy Hospital operates a hospital located on Ballas Road in St. Louis, Missouri.
6. Defendant Mercy Hospital is a citizen of the State of Missouri and maintains its principal place of business in Missouri.
7. Defendant, Mercy Clinic Children’s Hospitalists – St. Louis, LLC (“Mercy Clinic”), is a Missouri limited liability company which employs physicians and other medical professionals to provide medical care and treatment to patients.
8. Defendant Mercy Clinic is a citizen of the State of Missouri and maintains its principal place of business in Missouri.
9. Defendant, Donald A. Reinke, M.D. (“Reinke”), is a licensed physician in the State of Missouri, and practices in the field of pediatrics and emergency medicine.
10. Defendant Reinke is a resident and citizen of the State of Missouri.
11. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. Section 1332 as there is complete diversity of citizenship between the parties and Plaintiff’s damages significantly exceed \$75,000 exclusive of interest and costs.
12. Venue is proper in this Court as the events which are the basis for the claims took

place in the Eastern District of Missouri.

13. On or about May 10, 2011, N.W. came by ambulance to Mercy Hospital and Defendants assumed responsibility for his medical care and treatment.

COUNT I
(DONALD A. REINKE, M.D.)

14. As and for Paragraph 14 of Count I against Defendant Donald A. Reinke, M.D., Plaintiff incorporates by reference Paragraphs 1 through 13 of the Complaint, as if the same were fully set forth herein.

15. While N.W. was under his care, Reinke negligently and carelessly failed to diagnose cauda equina syndrome, failed to order the proper tests to confirm cauda equina syndrome, failed to do an appropriate neurological examination and failed to provide the appropriate care and treatment for the cauda equina syndrome.

16. As a direct and proximate result of the negligence and carelessness of Reinke, N.W. sustained a permanent injury to his spinal cord and nervous system such that he has become permanently paralyzed, incontinent and disabled. As a result, Plaintiff has sustained, and will continue to sustain, pain, suffering, mental anguish, inconvenience, physical impairment and loss of capacity to enjoy life.

17. As a direct and proximate result of the negligence and carelessness of Reinke, N.W. was compelled to submit to treatment of physicians, therapists, surgeons, nurses, and other medical providers, and will need future medical treatment for the rest of his life, such that he has incurred medical expenses and shall incur further medical expenses in the future.

18. As a direct and proximate result of the negligence and carelessness of Reinke, N.W. is permanently disabled and will lose wages and income in the future.

19. Reinke failed to use and exercise the degree of care, skill, learning and proficiency which is ordinarily used by physicians under the same or similar circumstances, in conjunction with the medical care and treatment provided to N.W.

20. The negligence and carelessness of Reinke directly caused or contributed to cause the injuries and damages sustained by Plaintiff.

21. Attached hereto as Exhibit A, and expressly incorporated herein by reference, is the Affidavit of Kevin Sullivan regarding claims against Donald A. Reinke which is filed in compliance with R.S.Mo. Section 538.225.

WHEREFORE, Plaintiff, N.W., by and through his Next Friend and Father, Richard Watson, respectfully requests judgment on Count I against Defendant Donald A. Reinke, M.D., in a sum in excess of \$75,000.00, for an award of taxable costs, and for such other and relief as the Court deems just and proper.

COUNT II
(MERCY HOSPITALS EAST COMMUNITIES)

22. As and for Paragraph 22 of Count II against Defendant Mercy Hospitals East Communities, Plaintiff incorporates by reference, Paragraphs 1 through 21 of the Complaint, as if the same were fully set forth herein.

23. At all relevant times, Reinke was acting as the agent, representative and servant of Defendant Mercy Hospital.

24. At all relevant times, Reinke was acting in the course and scope of his agency relationship with Mercy Hospital

25. At all relevant times, Defendant Mercy Hospital generally controlled, or had the right to control, the conduct of Reinke in conjunction with his care and treatment of patients in

the hospital emergency room.

26. Defendant Mercy Hospital is liable to Plaintiff for the negligence and carelessness of Reinke pursuant to respondent superior under Missouri law and therefore is jointly and severally liable for Plaintiff's injuries and damages.

27. Attached hereto as Exhibit B, and expressly incorporated herein by reference, is the Affidavit of Kevin Sullivan regarding claims against Mercy Hospitals East Communities which is filed in compliance with R.S.Mo. Section 538.225.

WHEREFORE, Plaintiff, N.W., by and through his Next Friend and Father, Richard Watson, respectfully requests judgment on Count II against Defendant Mercy Hospitals East Communities, in a sum in excess of \$75,000.00, for an award of taxable costs, and for such other and relief as the Court deems just and proper.

COUNT III
(MERCY CLINIC CHILDREN'S HOSPITALISTS - ST. LOUIS, LLC)

28. As and for Paragraph 28 of Count III against Mercy Clinic Children's Hospitalists – St. Louis, LLC, Plaintiff incorporates by reference, Paragraphs 1 through 21 of the Complaint, as if the same were fully set forth herein.

29. At all relevant times, Reinke was acting as the employee, servant, and agent of Defendant Mercy Clinic.

30. At all relevant times, Reinke was acting in the course and scope of his employment/agency relationship with Defendant Mercy Clinic.

31. Defendant Mercy Clinic is liable to Plaintiff for the negligence and carelessness of Reinke pursuant to respondent superior under Missouri law and therefore is jointly and severally liable for Plaintiff's injuries and damages.

32. Attached hereto as Exhibit C, and expressly incorporated herein by reference, is the Affidavit of Kevin Sullivan regarding claims against Mercy Clinic Children's Hospitalists – St. Louis, LLC which is filed in compliance with R.S.Mo. Section 538.225

WHEREFORE, Plaintiff, N.W., by and through his Next Friend and Father, Richard Watson, respectfully requests judgment on Count III against Defendant Mercy Clinic Children's Hospitalists – St. Louis, LLC, in a sum in excess of \$75,000.00, for an award of taxable costs, and for such other and relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Respectfully submitted,

THOMAS Q. KEEFE, JR., P.C.

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